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Halifax Regional Council
November 4, 2003

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

A handwritten signature in black ink, appearing to be "George McLellan", written over a horizontal line.

George McLellan, Chief Administrative Officer

A handwritten signature in black ink, appearing to be "Dan English", written over a horizontal line.

Dan English, Deputy Chief Administrative Officer

DATE: October 28, 2003

SUBJECT: **By-Law S-306, Part 1 - Removal of Snow and Ice from Sidewalks to
Amend By-Law S-300 Respecting Streets**

ORIGIN

Halifax Regional Council Meeting January 21, 2003, Item 8.2.1.

RECOMMENDATION

It is recommended that Council give first reading to By-Law Number S-306, Part 1, Section 4 - Removal of Snow and Ice from Sidewalks, as included with this report as Appendix A, and set a date for a Public Hearing.

BACKGROUND

During the winter of 2002/2003 HRM had a heavier snow and ice season relative to several years previous i.e. 76 snow/ice fall “events” in winter of 2002/03 compared to 47 events in 2001/2002 and 59 events in 2000/2001. On January 21, 2003, Regional Council requested a review and assessment of By-Law S-300 to determine whether some reasonable flexibility can be provided to residents, during certain weather conditions, for the clearing of those sidewalks abutting their properties. By-Law S-300 provides a framework for the maintenance of public streets in HRM and applies to those areas of the Halifax Regional Municipality located within the core area.

In order to provide clarity for sidewalk snow removal requirements, several amendments to By-Law 300, Part 1, Section 4 - Removal of Ice and Snow From Sidewalks are required. The proposed amendments are combined in By-Law S-306 (Refer to Attachment).

The proposed amendments are one aspect of staff's efforts to provide clarity and flexibility on how sidewalk snow and ice removal will be dealt with this year and subsequent winter seasons. Community Projects / By-Law Enforcement has developed an enforcement policy that their officers will use as a guide to enforce Part 1 of By-Law S-306, Removal of Ice & Snow from Sidewalks. It is intended that the enforcement policy will be able to provide some degree of flexibility to residents attempting to clear their sidewalks during certain weather conditions.

DISCUSSION

The explanation for the proposed amendments are as follows:

- 1) Section (b) “from any pathway leading from a sidewalk abutting their property and the prolongation thereof to the nearest part of the roadway that has been cleared of snow” is clarified to require that a pathway that runs perpendicular between the sidewalk and the street be cleared to that part of the travelled way of the street that has been cleared of snow and not just to the curb, as presently required.
- 2) Section (c) “and the prolongation thereof to the nearest part of the roadway that has been cleared of snow” has been added to clarify the need for residents living on corner lots to maintain the path clear to that part of the travelled way of the street that has been cleared of snow and not just to the curb as presently required, to prevent snow buildup and impassibility for pedestrians at crosswalks and corners. This amendment will have a significant impact on improving accessibility at street corners.
- 3) Section (c) “and shall maintain the said sidewalk free of snow and ice thereafter until the beginning of the next snowfall” has been added to emphasize the requirement that residents are responsible to clear and maintain their sidewalks at all times, not just during or immediately following a snow and ice event.

BUDGET IMPLICATIONS

There are no budget implications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

BY-LAW RATIONALIZATION COMMITTEE


The recommended amendments have been reviewed and approved by the By-Law Rationalization Committee and have been "Approved as to Form" by the Municipal Solicitor.

ALTERNATIVES

There are no recommended alternatives.

ATTACHMENTS

Appendix A: By-Law Number S-306.

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.	
Report Prepared by:	Liz Kingston, Coordinator - Director's Office, Public Works & Transportation 490-4862 Gordon Hayward, Snow & Ice Coordinator, Public Works & Transportation 490-4956
Report Approved by:	 Rick Paynter, P. Eng., Director, Public Works & Transportation 490-4855

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER S-306**

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of Section 309 of the *Municipal Government Act*, that By-law S-300, the Streets By-law, is amended as follows:

1. Subsection(1) of Section 4 of said By-law S-300 is repealed and the following substituted therefore:

4. (1) Abutters, except where snow removal service is provided by the Municipality, shall remove all snow and ice,

- (a) from any sidewalk which abuts any side of their property; provided , however, that where a property containing a detached one-family dwelling unit, a duplex dwelling or a semi-detached dwelling unit as defined in the Land Use Bylaws has frontage on a street at both the front and rear of the property, the abutter shall not be required to remove the snow and ice from a sidewalk which is part of the street at the rear of the property, where the street at the front of the property is defined as the street on which the property has its civic address;
- (b) from any pathway leading from a sidewalk abutting their property and the prolongation thereof to the nearest part of the roadway that has been cleared of snow, and
- (c) between any sidewalk abutting their property and a crosswalk and the prolongation thereof to the nearest part of the roadway that has been cleared of snow

for a minimum width of three feet or the full width of the paved sidewalk or pathway, whichever is less, within twelve hours after the end of any snowfall or, where the snow stops falling during the night, six hours after daylight, and without restricting the generality of the foregoing, abutters shall render the sidewalk completely free of snow and ice to bare pavement within said times and shall maintain the said sidewalk free of snow and ice thereafter until the beginning of the next snowfall.